

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU-----X
CHRISTOPHER FERNAN,*Plaintiff,*

-against-

DIOCESE OF ROCKVILLE CENTER, ST. PIUS X
PREPARATORY SEMINARY, and ALAN PLACA,*Defendants.*

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To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NASSAU COUNTY ON 08/23/19 IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 23, 2019

MERSON LAW, PLLC

By: _____



Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

DIOCESE OF ROCKVILLE CENTER
50 North Park Avenue
Rockville Centre, NY 11571

ST. PIUS X PREPARATORY SEMINARY
c/o Diocese of Rockville Center
50 North Park Avenue
Rockville Centre, NY 11571

ALAN PLACA
592 Middle Neck Road
Great Neck, NY 11023

200 Eagleton Estate Boulevard
Palm Beach Gardens, FL 33418

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

-----X

CHRISTOPHER FERNAN,

Plaintiff,

Index No.: _____/19

-against-

**DIOCESE OF ROCKVILLE CENTER, ST. PIUS X
PREPARATORY SEMINARY and ALAN PLACA,**

VERIFIED COMPLAINT

Defendants.

-----X

Plaintiff, above-named, complaining of the defendants, by **MERSON LAW, PLLC**, respectfully alleges:

NATURE OF THE CLAIM

1. This is the case of plaintiff Christopher Fernan who was sexually abused as a child by Monsignor Alan Placa (“Placa”) at and of St. Pius X Preparatory Seminary (“St. Pius”) and the Diocese of Rockville Centre (“Diocese”).
2. Placa was an agent, servant and/or employee of St. Pius which operated under the exclusive control of the Diocese. Placa was known among the community and the children to sexually abuse children.
3. Despite the Diocese and/or St. Pius’s knowledge that Placa sexually abused children and/or had the propensity to sexually abuse children, the Diocese and/or St. Pius allowed Placa unfettered access to children, including on school and Diocese premises, without proper supervision.
4. From approximately 1974 to approximately 1977, Placa, while under the scope of employment with the Diocese and/or St. Pius and while acting on behalf of the Diocese and/or St. Pius, would sexually abuse Plaintiff, then approximately aged fourteen to seventeen years old, by fondling him and otherwise sexually abusing him.

5. Plaintiff brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Diocese and/or St. Pius and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

PARTIES

6. At all times herein mentioned defendant **DIOCESE OF ROCKVILLE CENTRE** was a not for profit corporation incorporated in the state of New York by virtue of the laws of the State of New York.
7. At all times herein mentioned, defendant **DIOCESE OF ROCKVILLE CENTRE** was located at 50 North Park Avenue, Rockville Centre, NY 11571.
8. At all times herein mentioned, defendant **ALAN PLACA** was an agent, servant and/or employee operating under the direction and control of defendant **DIOCESE OF ROCKVILLE CENTRE** and its agents, servants and/or employees.
9. At all times herein mentioned **ST. PIUS X PREPARATORY SEMINARY** was a not for profit corporation incorporated in the state of New York by virtue of the laws of the State of New York.
10. At all times herein mentioned, defendant **ST. PIUS X PREPARATORY SEMINARY** was located at 1220 Front Street, Uniondale, NY 12220.
11. At all times herein mentioned, defendant **ALAN PLACA** was an agent, servant and/or employee operating under the direction and control of defendant **ST. PIUS X PREPARATORY SEMINARY** and its agents, servants and/or employees.
12. At all times herein mentioned, defendant **DIOCESE OF ROCKVILLE CENTRE** and defendant **ST. PIUS X PREPARATORY SEMINARY** were agents, servants, employees and/or alter egos of each other.

13. At all times mentioned herein, defendant **DIOCESE OF ROCKVILLE CENTRE** operated and/or controlled St. Pius X Preparatory Seminary located at 1220 Front Street, Uniondale, NY 12220.

FACTS OF THE CASE

14. Defendant **DIOCESE OF ROCKVILLE CENTRE** and/or defendant **ST. PIUS X PREPARATORY SEMINARY**'s negligence and recklessness caused defendant **ALAN PLACA** to have access to children, including on Diocese property, without supervision despite their knowledge that defendant **ALAN PLACA** sexually abused children and/or had the propensity to sexually abuse children and therefore, they are responsible for the injuries that plaintiff incurred, because but for Defendant **DIOCESE OF ROCKVILLE CENTRE** and/or **ST. PIUS X PREPARATORY SEMINARY**'s negligence, plaintiff would not have suffered the mental and physical anguish inflicted by Placa. Defendants' gross negligence, reckless, wanton and/or willful conduct supports punitive liability.

15. Placa sexually assaulted plaintiff and other children of St. Pius. Nonetheless, defendant **DIOCESE OF ROCKVILLE CENTRE** and/or defendant **ST. PIUS X PREPARATORY SEMINARY** failed to remove Placa from his position or to take any steps to keep this dangerous predator away from children. In fact, the Diocese and/or St. Pius continued to allow, encourage and/or permit Placa to have unfettered access to children.

16. From approximately 1974 to approximately 1977, Placa would take plaintiff into his office in St. Pius and sexually abuse him by groping and fondling him.

17. Placa would call plaintiff into his office under the guise of giving him detention and force plaintiff to sit next to him on his couch so that he could fondle plaintiff's penis for up to forty minutes at a time.
18. Additionally, on one occasion, Placa attempted to grope plaintiff's penis on stage during a school play in which plaintiff was participating.
19. In total, Placa abused plaintiff over one-hundred times.
20. Plaintiff reported the abuse to agents, servants and/or employees of St. Pius and/or the Diocese, including to his school counselor, Monsignor Daniel Fagan, but all parties failed to take any action to protect plaintiff and/or other students or children of St. Pius and/or the Diocese.
21. Upon information and belief, several other students of Placa and St. Pius were also sexually abused by Placa.
22. As such, plaintiff suffered catastrophic and lifelong injuries as a result of defendant **DIOCESE OF ROCKVILLE CENTRE** and/or defendant **ST. PIUS X PREPARATORY SEMINARY**'s negligence in undertaking a duty, including, but not limited to, in locis parentis, in failing to protect the children of its parishes and of its community from Placa despite the Diocese and/or St. Pius having knowledge that Placa abused and/or sexually abused children and/or had the propensity to abuse and/or sexually abuse children and/or allowing Placa to continue to have his position of authority and power with unfettered access to children as well as the Diocese's failure to adequately supervise Placa.

AS AND FOR A FIRST CAUSE OF ACTION FOR
NEGLIGENCE AS TO THE DIOCESE OF ROCKVILLE CENTRE

23. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 22., inclusive, with the same force and effect as if hereinafter set forth at length.
24. At all times mentioned herein, defendant **DIOCESE OF ROCKVILLE CENTRE** owed a duty of care, including, but not limited to, in locis parentis, to keep the children and students of its school and parish, including plaintiff, safe from the abuse and/or sexual abuse by its agents, servants and/or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff and they had a duty to supervise Placa.
25. At all times mentioned herein, defendant **DIOCESE OF ROCKVILLE CENTRE** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner and caused Plaintiff to be sexually assaulted.
26. As a result of the negligence of defendant **DIOCESE OF ROCKVILLE CENTRE** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof and other losses, all of which have not as of yet been ascertained.
27. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
28. By reason of the foregoing, plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

29. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
30. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR
NEGLIGENCE AS TO ST. PIUS X PREPARATORY SEMINARY**

31. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs of this Complaint marked and designated 1. through 30., inclusive, with the same force and effect as if hereinafter set forth at length.
32. At all times mentioned herein, defendant **ST. PIUS X PREPARATORY SEMINARY** owed a duty of care, including, but not limited to, in locis parentis, to keep the students of its school, including plaintiff, safe from the abuse and/or sexual abuse by its agents, servants and/or employees under its supervision and control that ultimately befell the plaintiff and to properly supervise Placa.
33. At all times mentioned herein, defendant **ST. PIUS X PREPARATORY SEMINARY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner and caused Plaintiff to be sexually assaulted.
34. As a result of the negligence of defendant **ST. PIUS X PREPARATORY SEMINARY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof and other losses, all of which have not as of yet been ascertained.
35. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

36. By reason of the foregoing, plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
37. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
38. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A THIRD CAUSE OF ACTION
FOR NEGLIGENT HIRING, RETENTION AND
SUPERVISION AS TO DIOCESE OF ROCKVILLE CENTRE

39. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 38., inclusive, with the same force and effect as if hereinafter set forth at length.
40. Defendant **DIOCESE OF ROCKVILLE CENTRE** had a duty to supervise and prevent known risks of harm to the children and students, including plaintiff, of its school by its agents, servants and/or employees.
41. Defendant was negligent in hiring, retaining and supervising their personnel, such as Placa, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of a school, church and/or Diocese official and other Diocese and school supervisors who should have properly been supervising the agents, servants, employees and/or church officials to ensure the safety of the children of its school.
42. Defendant **DIOCESE OF ROCKVILLE CENTRE** knew or should have known that Placa sexually abused and/or had the propensity to sexually abuse children, including plaintiff, yet did nothing to stop it and failed to supervise Placa.
43. As a result of such negligent hiring, supervision and retention, plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental

anguish and/or physical manifestations thereof and other losses, all of which have not as of yet been ascertained.

44. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
45. By reason of the foregoing, plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
46. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
47. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION
FOR NEGLIGENT HIRING, RETENTION AND
SUPERVISION AS TO ST. PIUS X PREPARATORY SEMINARY**

48. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 47., inclusive, with the same force and effect as if hereinafter set forth at length.
49. Defendant **ST. PIUS X PREPARATORY SEMINARY** had a duty to supervise and prevent known risks of harm to the children of its school by its agents, servants and/or employees.
50. Defendant was negligent in hiring, retaining and supervising their personnel, such as Placa, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of a school, church and/or Diocese official and other Diocese and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.

51. Defendant **ST. PIUS X PREPARATORY SEMINARY** knew or should have known that Placa sexually abused and/or had the propensity to sexually abuse children, including plaintiff, yet did nothing to stop it and failed to properly supervise Placa.
52. As a result of such negligent hiring, supervision and retention, plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof and other losses, all of which have not as of yet been ascertained.
53. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
54. By reason of the foregoing, plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
55. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
56. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE FIFTH CAUSE OF ACTION
FOR NEGLIGENT INFILCTION OF EMOTIONAL
DISTRESS AS TO DIOCESE OF ROCKVILLE CENTRE

57. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 56., inclusive, with the same force and effect as if herein set forth at length.
58. Defendant **DIOCESE OF ROCKVILLE CENTRE** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Placa, the agent, servant and/or employee who sexually abused plaintiff, would and did proximately result in physical and emotional distress to plaintiff.

59. Defendant **DIOCESE OF ROCKVILLE CENTRE** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to plaintiff.
60. Defendant had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Placa.
61. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent and/or prohibit the improper conduct that resulted in the Placa sexually abusing plaintiff.
62. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
63. By reason of the foregoing, plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE SIXTH CAUSE OF ACTION
FOR NEGLIGENT INFILCTION OF EMOTIONAL
DISTRESS AS TO ST. PIUS X PREPARATORY SEMINARY

66. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 65., inclusive, with the same force and effect as if herein set forth at length.
67. Defendant **ST. PIUS X PREPARATORY SEMINARY** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Placa, the agent, servant and/or employee who sexually

abused plaintiff, would and did proximately result in physical and emotional distress to plaintiff.

68. Defendant **ST. PIUS X PREPARATORY SEMINARY** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to plaintiff.
69. Defendant had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in plaintiff being sexually abused by Placa.
70. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent and/or prohibit the improper conduct that resulted in Placa sexually abusing plaintiff.
71. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
72. By reason of the foregoing, plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
73. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
74. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE SEVENTH CAUSE OF
ACTION FOR ASSAULT AS TO ALAN PLACA**

75. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 74., inclusive, with the same force and effect as if herein set forth at length.
76. Defendant **ALAN PLACA**'s predatory, abusive, manipulative and unlawful acts against plaintiff created a reasonable apprehension in plaintiff of immediate harmful

and/or offensive contact to plaintiff's person, all of which was done intentionally by defendant **ALAN PLACA** to plaintiff without plaintiff's consent.

77. As a direct and proximate result of the aforementioned conduct, plaintiff sustained in the past, and will continue to sustain in the future, serious and severe psychological injuries and emotional distress, mental anguish, embarrassment and humiliation.
78. As a direct and proximate result of the aforementioned conduct, plaintiff has incurred medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
79. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **ALAN PLACA** in such sums a jury would find fair, just and adequate and plaintiff is also entitled to punitive and exemplary damages from defendant **ALAN PLACA** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
80. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
81. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE EIGHTH CAUSE OF
ACTION FOR BATTERY AS TO ALAN PLACA**

82. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 81., inclusive, with the same force and effect as if herein set forth at length.

83. When plaintiff was approximately fourteen to seventeen years old, defendant **ALAN PLACA** intentionally and unlawfully sexually abused plaintiff by rubbing, fondling and/or groping his penis.
84. Defendant **ALAN PLACA**'s unlawful, abusive, manipulative, and predatory acts against plaintiff amounted to a series of harmful and offensive contacts to plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
85. As a direct and proximate result of the aforementioned batteries, plaintiff sustained in the past, and will continue to sustain in the future, psychological injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
86. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **ALAN PLACA** in such sums a jury would find fair, just and adequate, and plaintiff is also entitled to punitive and exemplary damages from defendant **ALAN PLACA** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
87. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
88. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR THE NINETH CAUSE OF ACTION FOR INTENTIONAL
INFILCTION OF EMOTIONAL DISTRESS AGAINST ALAN PLACA**

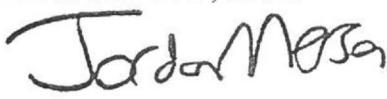
89. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 88., inclusive, with the same force and effect as if hereafter set forth at length.

90. Defendant **ALAN PLACA** also engaged in outrageous conduct towards plaintiff with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress, by sexually assaulting him while he was a child student at and of St. Pius.
91. As a proximate result of the aforementioned assaults, batteries, and other violations committed against plaintiff, he has suffered and will continue to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses in amounts to be proven at trial.
92. Defendant **ALAN PLACA** committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
93. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
94. This action falls within the exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 23, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X

CHRISTOPHER FERNAN,

Plaintiff,

Index No.: _____/19

-against-

DIOCESE OF ROCKVILLE CENTRE, ST. PIUS X
PREPARATORY SEMINARY and ALAN PLACA,

ATTORNEY
VERIFICATION

Defendants.

-----X

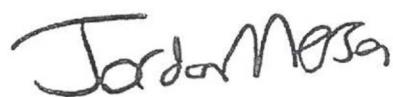
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC, attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmand and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 23, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
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CHRISTOPHER FERNAN,

Plaintiff,

-against-

DIOCESE OF ROCKVILLE CENTER, ST. PIUS X
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Defendants.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

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To: All Parties
